



California Fair Political Practices Commission

January 8, 1986

Mary Louise Custer
City Treasurer
City of Carson
21917 Millpoint Avenue
Carson, CA 90745

Re: Your Request for Advice,
Our File No. A-86-017

Dear Ms. Custer:

This is in response to your letter seeking advice regarding your duties as an elected public official under the Political Reform Act.^{1/}

QUESTION

You are the elected City Treasurer for the City of Carson and you wish to know whether a conflict of interest would arise if you accepted campaign contributions from the financial institutions in which city investments are held.

CONCLUSION

There is no conflict of interest under the Political Reform Act when a City Treasurer accepts campaign contributions from financial institutions in which city investments are held.

ANALYSIS

The Political Reform Act prohibits public officials from making, participating in making or in any way attempting to use

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise specified.

Mary Louise Custer
January 8, 1986
Page 2

their official position to influence a governmental decision in which they have a financial interest. Section 87100.

An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.

Section 87103

"Income" as defined in Section 82030 does not include campaign contributions. Likewise, "gift" as defined in Section 82028 does not include campaign contributions. Consequently,

Mary Louise Custer
January 8, 1986
Page 3

the receipt of a campaign contribution from a financial institution in which city investments are held does not give rise to a conflict of interest under Section 87100.

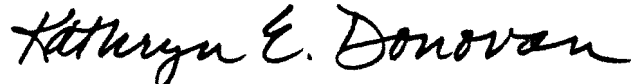
Section 84308 prohibits the officer of an agency from accepting, soliciting, or directing a contribution of \$250 or more from parties or participants in a proceeding involving a license, permit, or other entitlement for use pending before the agency during a specified time period.

In your situation, Section 84308 is not applicable because that section does not apply to local government agencies whose members are directly elected by the voters. Section 84308(a)(3); 2 Cal. Adm. Code Section 18438.1.

Although acceptance of campaign contributions from financial institutions in which city investments are held will not give rise to a conflict of interest, these contributions must still be reported pursuant to the campaign disclosure provisions of the Act (Sections 84100 et seq.).

Please do not hesitate to contact the Commission again should you require further advice.

Very truly yours,

A handwritten signature in black ink that reads "Kathryn E. Donovan". The signature is written in a cursive, flowing style.

Kathryn E. Donovan
Counsel
Legal Division

KED:JG:nwm

MARY LOUISE CUSTER

F P F C

DEC 31 8 34 AM '85

21917 Millpoint Avenue
Carson, CA 90745
December 26, 1985

Ms. Kathy Donovan
FPPC
P. O. Box 807
Sacramento, CA 95804

Dear Kathy:

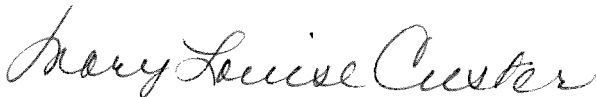
Per our recent telephone conversations, I have asked you whether it would be a conflict of interest for an elected City Treasurer to accept political contributions from the financial institutions in which City investments are held.

During our discussion, you cited certain sections of the Government Code, e.g. 82030, 84308 and 87100, and stated that there would be no conflict of interest for the City Treasurer to accept such contributions.

I would appreciate your sending me an advice letter giving me your opinion on the above.

Thank you for your assistance and cooperation.

Sincerely,



Mary Louise Custer